THE HON'BLE MR JUSTICE GODA RAGHURAM

DATE: 18-8-2005

WRIT PETITION NO : 18241 of 2005

Between:

Sandepogu Jakkaraiah S/o. Chinna Sahayam
R/o. Pandillapalli Village, Bestavaripeta Mandal,
Prakasam District.

..... PETITIONER

AND

1. The District Collector, Prakasam, Prakasam District & others

..Respondents

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 18241 of 2005

ORDER:

The petitioner's authorization was suspended after a process of enquiry, which, however, is characterized as having been in violation of the principles of natural justice by the petitioner on the ground that he was not heard before the authorisation was cancelled by the 3rd respondent by the order dated 5.7.2005. As against the said order of cancellation, the petitioner preferred an appeal on 14.7.2005 to the 2nd respondent along with an application for interim relief. Petitioner's grievance is that the 2nd respondent has not disposed of either the appeal or his application for interim relief.

The learned counsel for the petitioner canvasses the validity of the primary order of the 3rd respondent dated 5.7.2005. But, this aspect ought not to be considered by this Court as the petitioner has already preferred the alternative appellate remedy before the 2nd respondent. The petitioner cannot be permitted to pursue simultaneously the appellate remedy and resort to judicial review.

In the aforesaid circumstances, the writ petition is disposed of directing the 2nd respondent to expeditiously, and in any case, within a period of four weeks from today, either to dispose of the appeal or the petitioner's application for interim relief. A reasoned decision of the 2nd respondent on the petitioner's appeal or the application for interim relief, shall be communicated to the petitioner within the aforesaid time.

The writ petition is accordingly disposed of. No costs.

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GODA RAGHURAM,J

Date: 18th August, 2005

Note: Furnish c.c. in two days

b/o

pnb